United Nations CEDAW/C/BWA/Q/4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
3 August 2018

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women
Seventy-second session
18 February–8 March 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues in relation to the fourth periodic report of Botswana

Legal status of the Convention and legal framework

1. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please indicate the timeline for the completion of the process to fully incorporate the Convention (para. 30)[1] into national law in order to promote, enforce and monitor equality and non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please provide information on any steps taken to initiate a consultative process to include a definition of discrimination against women in the Constitution in line with article 1 of the Convention, as previously recommended by the Committee (CEDAW/C/BOT/CO/3, para. 10).

2. Please provide additional examples of court cases or instances, if any, which show that the application of the Customary Law Act and the Customary Court Act has been helpful in addressing cases of discrimination against women. What challenges does the parallel existence of statutory law and customary law present to the enjoyment of rights by women in the State party in the light of section 15 (4) of the Constitution? Please specify the steps taken to raise awareness among traditional and community leaders and women about the precedence of constitutional law over customary laws and practices, and about the possibility of bringing complaints about sex and gender-based discrimination to the ordinary courts (CEDAW/C/BOT/CO/3, para. 14).

[1] Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party (CEDAW/C/BWA/4).

Please recycle

Access to justice

3. The State party reported that the Legal Aid Act and the legal aid programme had been adopted in 2013 and were expected to "provide legal services in relation to issues predominantly affecting women" (para. 174). Please provide updated data on the number of women who have received legal assistance, including free legal aid, in court proceedings, in complaints relating to sex and gender-based discrimination and violence. What efforts are being made to improve the capacity and resources of legal aid offices to provide sufficient support to all women in need of legal aid? Please further provide information on the measures, in particular through the provision of training on the Convention, to strengthen the capacity of the judiciary and law enforcement officers in relation to women's rights and gender equality, as enshrined in the Convention (CEDAW/C/BOT/CO/3, para. 18).

National human rights institution

4. Please provide updated information on the draft Ombudsman Amendment Bill and whether it provides the Ombudsman with a strong mandate to work on women's rights and gender equality, and on the progress made towards the establishment of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[2]

National machinery for the advancement of women

5. The report mentioned that there is no clear allocation of resources for gender-related programmes and policies across relevant institutions (para. 55). Please provide updated information on the budgetary resources allocated to the National Gender Commission to monitor the implementation of the National Policy on Gender and Development. Please also provide information on the allocation of human, technical and financial resources to the Gender Affairs Department under the Ministry of Nationality, Immigration and Gender Affairs to ensure the achievement of its mandate, and on the effective coordination of the 34 gender focal points across ministries (para. 56). Please indicate the major steps taken to fund women's projects and mainstream gender in economic empowerment programmes for the youth (para. 121).

Temporary special measures

6. Please explain the outcome of the initiatives referred to in paragraph 58 of the report to accelerate the achievement of substantive equality of women and men. Please also provide information on temporary special measures taken in relation to accelerate women's equal participation in political and public life, education and the health sector (CEDAW/C/BOT/CO/3, para. 22).

Stereotypes and harmful practices

7. Reference was made in the report to several activities undertaken by the State party to modify or eliminate discriminatory stereotypes of women's roles and responsibilities in the family and in society (paras. 59–63 and 123–125). Please describe the impact of those initiatives and whether they are linked to a comprehensive strategy with a view to eliminating gender stereotyping and harmful practices such as widowhood practices, corporal punishment and child marriage (CEDAW/C/BOT/CO/3, para. 24). Please also provide information on the progress made in establishing a systematic monitoring and evaluation framework for education

[2] See General Assembly resolution 72/186.

on women's rights and gender equality, as well as on awareness-raising efforts to eliminate stereotyping and harmful practices (para. 64).

Gender-based violence against women

8. The report indicated a high prevalence of gender-based violence against women in the State party and that victims were reluctant to report incidents of such violence, including domestic violence, to the police (paras. 66 and 159). Please provide updated information on legislative efforts to specifically criminalize sexual abuse (para. 67) and on the elaboration of a national action plan to end gender-based violence against women (para. 73). Please also provide updated information on progress made in revising section 14 of the Penal Code to criminalize marital rape, in accordance with the Domestic Violence Act and in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

9. Please provide information on: (a) the number of criminal complaints, investigations, prosecutions and the sentences imposed in cases of gender-based violence against women; (b) pre-service and in-service training for the police on the strict application of criminal law provisions on gender-based violence and gender-sensitive investigation methods (para. 71); (c) capacity building for the judiciary and parliamentarians on the need to criminalize and adequately punish all forms of gender-based violence against women (CEDAW/C/BOT/CO/3, para. 26); and (d) the types and availability of support services for victims of gender-based violence against women (para. 70), as well as progress made in the establishment of a gender-based violence "referral system" (para. 82).

Trafficking and exploitation of prostitution

10. Please provide updated data, disaggregated by sex, age and geographical area, on the number of victims/survivors of trafficking in persons in the State party. Please also provide information on the implementation of the Anti-Human Trafficking Act and the Anti-Human Trafficking National Action Plan for 2017 to 2020, including information on measures in place to support women and children who are victims of trafficking and the number of prosecutions and convictions of perpetrators. Please describe the measures taken to establish an effective victim referral system and to identify victims of trafficking by providing clear guidelines or training for public officials, including law enforcement officials, under the Anti-Human Trafficking Act.

11. The report indicated that the State party had carried out a survey on HIV and sexually transmitted infections in 2012, which concluded that women in prostitution were at the highest risk of HIV (para. 130). Please provide information on efforts in place to protect women in prostitution against HIV and other sexually transmitted diseases. Please also provide information on specific measures taken to combat the exploitation of prostitution and reduce the demand for prostitution, and on exit programmes for women who wish to leave prostitution.

Participation in political and public life

12. The report indicated that women's representation in Parliament, the Cabinet, the judiciary, especially in higher courts, and in the *Ntlo ya Dikgosi* (House of Chiefs) is very low (paras. 133–136, tables 1–6). Please provide information on any measures the State party is going to take, including through temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure women's equal representation in leadership and decision-making at all levels. Please also provide information on any incentives implemented by political parties to increase

the representation of women, in decision-making positions in particular. Please describe major measures taken to eliminate the barriers to women's participation in political and public life.

Education

13. Please provide information on the enrolment rates of girls and boys in primary and secondary schools, their drop-out rates and completion rates in recent years. Please indicate the measures taken, apart from the implementation of an equal opportunities policy, to eliminate gender imbalances (para. 141), and that the State party is planning to take to ensure that all school-age girls go to school. Please also indicate whether the State party has considered allocating more resources to ensuring the effective implementation of the Policy on Inclusive Education (2011) to accommodate the special education needs of girls, including pregnant girls and girls with disabilities (para. 84).

14. The Committee notes the introduction in 2013 of a back-to-school programme to facilitate the re-entry of young women into school following childbirth (para. 81). Please provide information on the progress made in the implementation of that programme. Please also indicate: (a) the number of both boys and girls in remote areas whose education costs and/or accommodation were covered by the State party; and (b) other measures taken to ensure access to education for girls and boys in rural areas without separating them from their families, especially at the primary level of education. Please indicate any measures taken, such as publicly promoting role models like female teachers, scientists and professors, to encourage women and girls to study science, technology, engineering and mathematics at the tertiary level.

Employment

15. The report indicated that the unemployment rate, including the youth employment rate, was higher among women than among men (paras. 86, 143 and 144). Please provide information on the specific measures taken to promote women's employment, including in the formal sector. To what extent is the ongoing revision of the Employment Act designed to promote women's employment, including that of rural women, women with disabilities and lesbian, bisexual, transgender and intersex women? Please provide information on the measures in place under the Employment Amendment Act of 2010 to ensure women's equal access to vocational training, equal terms and conditions of employment and promotion, and equal remuneration for work of equal value (CEDAW/C/BOT/CO/3, para. 34).

16. Please provide updated information on: (a) measures taken to improve the working conditions of women engaged in the informal sector; and (b) measures taken to prevent sexual harassment in the workplace, including any legislative efforts to prohibit sexual harassment in the private sector (CEDAW/C/BOT/CO/3, para. 34). Please provide more information on the Employment Amendment Act of 2010, in particular on the duration of maternity leave, whether the provision of maternity leave with not less than 50 per cent of the employee's salary is applicable to both the public and private sectors (para. 146). Please also provide information on measures that have been taken to boost women's entrepreneurship and women's representation in corporate boards.

Health

17. The State party reported a remarkable decline in the maternal mortality ratio from 195.7 per 100,000 live births in 2008 to 147.9 per 100,000 live births in 2012 (para. 149). Please provide information on the most recent trends in the maternal mortality ratio and on any further measures that are being taken to reduce the ratio.

Please also provide information on the provision of family planning services and affordable and modern forms of contraceptives and emergency contraception in the State party (para. 89). In addition to legalizing abortion in cases of rape, incest, threats to the life or health of the pregnant woman or severe foetal impairment, please indicate whether the State party is planning to decriminalize it in all other cases. With regard to the Five Year Comprehensive Cervical Cancer Prevention and Control Strategy (2012–2016) (para. 155), please inform the Committee of the results of the Strategy, in particular the number of women who have received screening, and whether the screening and outpatient treatment of cervical pre-cancer introduced by the Strategy has been free and available to rural women.

18. Please provide updated information on the major results of the National Strategic Framework on HIV and AIDS (2010–2016) and the HIV and AIDS Women Sector Strategy (2012–2016) to address the disproportionate impact of HIV/AIDS on women and girls and indicate whether the State party has renewed those strategies (paras. 91 and 104). Please explain how service providers are being sensitized to increase accessibility to HIV/AIDS-related services for women and girls living with HIV/AIDS. What measures has the State party taken to raise awareness among women and men on the importance of safe sex practices? Please indicate whether the safety net for child-headed households is accessible for all girls deprived of their parents as a result of HIV/AIDS (para. 94) (CEDAW/C/BOT/CO/3, para. 38). Please also explain what steps have been taken to improve data collection with regard to the health status of women and girls and the availability of health services, with a view to informing relevant health policies and programmes.

Economic empowerment of women

19. What measures has the State party taken to increase women's access to loans and financial services, even in the absence of the required collateral (para. 170)? Please describe the effectiveness of women's empowerment programmes, including the Alternative Packages Programme, in promoting women's access to credit, technology and marketing resources (CEDAW/C/BOT/CO/3, para. 40) and indicate what other measures are being taken to address the issue.

Rural women

20. Please provide information on the outcome of any assessment of the effectiveness of the National Policy on Gender and Development in reducing poverty, including among rural women and female headed households (para. 95), and what further measures the State party is planning to take to reduce poverty, among rural women and female headed households in particular. Please provide information on existing programmes aimed at ensuring that rural women have access to water, health care, education, justice, land ownership, credit and skills training, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please also provide information on the progress made in formulating a comprehensive policy on gender in agriculture and rural development (paras. 95 and 163), and on measures in place to ensure the adequate participation of rural women and female heads of households in the formulation and implementation of local development programmes that affect them.

Marriage and family relations

21. The Committee recommended in its previous concluding observations (CEDAW/C/BOT/CO/3, para. 42) that the State party review and amend the following acts to extend their scope of application to customary and religious marriages: the Abolition of Marital Power Act; the Deeds Registry Act; the Matrimonial Causes Act Cap 29:6; and the Marriage Act Cap 29:01. It also recommended that the State party

repeal section 15 (4) of the Constitution to ensure the adequate protection of women's rights in marriage and family relations, on which there is no information in the State party's report. Please explain the difficulties and challenges with regard to any steps to be taken to review and revise those acts. What measures is the State party taking to address discrimination against women and girls in relation to adoption, marriage, divorce, burial and the devolution of property upon death or other matters of personal law, in line with articles 2 and 16 of the Convention?

22. The State party reported that women's lack of knowledge regarding marriage laws and their implications have perpetuated discriminatory practices in the area of marriage under customary law (para. 22). Please explain what specific measures have been taken by the State party to spread information in that regard throughout the State party and to ensure that all women, including rural women, are equipped with that knowledge. Please provide information on public awareness-raising campaigns on women's equal rights in marriage and family relations (para. 103), as well as on the harmful effects of child marriage.

Amendment to article 20 (1) of the Convention

23. Please indicate what progress has been made by the State party towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.